



# Management Directive 715

# Title VII- Section 717

Requires each federal agency to:

- Make all personnel actions free from discrimination based on race, color, religion, sex or national origin
- Maintain an “affirmative program of equal employment opportunity” for all employees and applicants
- Submit annual plan and/ or updates to EEOC for approval

## Rehabilitation Act- Section 501

Requires each federal agency to:

- Make all personnel actions free from discrimination based on disability
- Maintain an “affirmative action program plan for the hiring, placement and advancement of people with disabilities
- Submit annual plan and/or updates to EEOC for approval

# Why Title VII and Rehabilitation Act Programs?

To ensure our nation's continued security, growth To ensure and prosperity, effective government agencies need to:

- Attract, develop and retain a top-quality workforce
- Maximize each employee's potential

Equality of Opportunity is the key!

## Which Agencies are Covered?

All executive branch department and agencies, including the U.S. Postal Service and the Postal Rate Commission

## What Does MD-715 Require?

- Develop and maintain a Model EEO Program
- Ensure all employment decisions are free from discrimination
- Examine employment policies, procedures and practices to identify and remove barriers to equal opportunity
- Develop plans to correct identified barriers
- Report plans and progress to EEOC

# Essential Elements of a Model EEO Program

- Integration of EEO into the agency's strategic mission
- Management and program accountability
- Proactive prevention of unlawful discrimination
- Efficiency
- Responsiveness and legal compliance
- Demonstrated commitment from agency leadership

## Element One: Demonstrated Commitment From Agency Leadership

- Equal employment opportunity must be:
  - Embraced by agency leadership
  - Communicated through the ranks from the top down
- EEO principals must be made a fundamental part of the agency's culture
- Agency head must issue annual EEO and anti-harassment policy statements

## Element Two: Integration of EEO Into the Agency's Strategic Mission

- EEO Director has regular access to agency head and senior management
- EEO professionals are involved in all major human resources decisions
- EEO programs have sufficient resources
- Managers and employees are involved in the implementation of the agency's Title VII and Rehabilitation Act Program

## Element Three: Management and Program Accountability

- Conduct regular internal EEO Program audits
- Establish procedures to prevent all forms of discrimination
- Evaluate managers and supervisors on efforts to ensure equality of employment opportunity
- Maintain effective reasonable accommodation procedures
- Maintain clearly defined and fair personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct and training systems

## Element Four: Proactive Prevention Of Unlawful Discrimination

- Conduct A self-assessment on at least an annual basis to monitor progress and identify areas where barriers may operate to exclude certain groups
- Develop strategic plans to eliminate identified barriers

## Element Five: Efficiency

- Maintain an efficient, fair and impartial complaint resolution process
- Separate investigation and adjudication functions from the legal defense arm of the agency
- Establish and encourage the widespread use of alternative dispute resolution (ADR)
- Maintain effective data collection systems on workforce, applicant flow and complaint tracking

## Element Six: Responsiveness and legal Compliance

- Ensure full compliance with title VII and Rehabilitation Act, including EEOC regulations, orders and other written instructions
- Report agency program efforts and accomplishments to EEOC
- Comply with final EEOC orders for corrective action and relief

## What is a Barrier?

- A policy, procedure, practice or condition that limits employment opportunities for members of a particular race, ethnic background, gender or because of a disability
  - Some barriers may be easy to identify
  - Other barriers are embedded in the day-to-day procedures and practices of an agency and may appear neutral

## Process to Address Barriers

- Identify where possible barriers may exist using a variety of sources
- Investigate to pinpoint actual barriers and causes
- Devise a plan to eliminate barriers
- Determine if plan needs to be adjusted because additional barriers remain

## Sources for Information to Identify Potential Barriers

- Analyze workforce statistics
- Review EEO complaints
- Talk to EEO and human resources staff
- Talk to unions and advocacy groups
- Conduct surveys, focus groups and exit interviews
- Review studies by outside agencies

# Some Employment Policies, Procedures and Practices That Should Be Examined for Barriers

- Hiring
- Promotions and other internal selections
- Attainment of supervisory and management positions
- Training opportunities and development opportunities
- Performance incentives and awards
- Disciplinary actions
- Separations

## Plan to Eliminate Barriers

- Design corrective plan to address the identified causes of barriers
  - Even if barrier is job-related, explore alternatives that serve the same purpose and that have less impact on a particular group of employees
  - Progress should be measurable and agency officials held accountable
  - Periodic reassessments should be done for need to adjust plan if necessary

## Additional Barrier Analyses Under the Rehabilitation Act

- Compliance with Executive Order 13164 and EEOC guidance for reasonable accommodation procedures
- Compliance with Architectural Barriers Act
- Accessibility of electronic and information technology required by Section 508 of the Rehabilitation Act

## Collecting Disability-Related Information

Barrier analysis requires the use of information limited by the Rehabilitation Act. Individuals with disabilities may be identified using:

- OPM's Standard Form 256 (self -identification)
- Applications for excepted appointing authorities

## Notification Requirements

When requesting disability-related information, agencies must notify individuals that it is:

- Voluntary
- Confidential, and
- Refusal to complete SF-256 will not result in any action adverse to the individual

## Confidentially

- Collect and maintain on separate forms, keep in separate files, and treat as confidential medical records
- Disclose only when necessary to:
  - Supervisors and managers concerning restrictions on work duties of employee
  - Personnel responsible for processing a reasonable accommodation request
  - First aid and safety personnel if disability might require special treatment in an emergency
  - Personnel responsible for processing a workers' compensation claim

# Targeted Disability

- Deafness
- Blindness
- Missing extremities
- Partial paralysis
- Complete paralysis
- Convulsive disorders
- Mental retardation
- Mental illness
- Distortion of limb and/ or spine

## Special Emphasis for Targeted Disabilities

MD-715 requires agencies with 1,000 or more employees to:

- Establish goals for employment of individuals with targeted disabilities
- Establish goals for the advancement of individuals with targeted disabilities
- Show measurable progress each fiscal year

## What Should Agencies Be Doing Now?

- Become familiar with the new directive
- Re-tool data collection systems
- Initiate comprehensive self-assessments
- Begin planning for operational changes
- Involve key managers
- Integrate EEO into all human capital planning